IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25235 of 1998

Between:

1 A.G.K. Gokhale, S/o Bhima Rao,
R/o Vijayawada, Krishna Dist
(AP 16 U 5783)
2 A. Vijaya Lakshmi, W/o A.G.K. Gokhale,
Penamaluru, R/o Vijayawada,
Krishna Dist, (AP 16 U 7171)
3 K. Krishna Kumari, W/o K.S.R. Anjaneyulu,
R/o Vijayawada, Krishna Dist.
(AP 16 T 3484))
4 A. Venkata Rao S/o Satyanarayana,
R/o Vijayawada, Krishna Dist.
(AP 16 W 5875)
5 P. Swarupa Rani, W/o Gopala Krishna,
Gokhale Atluri, R/o Vijayawada,
Krishna Dist, (AP 16 U 6656)
6 T. Murali Mohan Rao, S/o Veera Raghavayya,
Ramachandra Nagar, R/o Vijayawada,
Krishna Dist, (AP 16 U 1489)
7 M/s Southern Heavey Carriers Rep. by G. Mohana Rao, S/o Ranganathan,
R/o Vijayawada, Krishna Dist
(AP 16 U 3245)
8 K. Nagendra Babu, S/o K.S.R. Anjaneyulu,
R/o Hyderabad.
(AP 24 U 6566)
9 K. Krishna Kumari, W/o K.S.R. Anjaneyulu,
R/o Hyderabad. Hyderabad Dist.
(AP 16 U 6116)
10 K. Nagendra Babu, S/o K.S.R. Anjaneyulu,
R/o Khammam, Khammam Dist
(AP 20 T 6989)
11 A. Ajay Kumar, S/o Rama Mohana Rao,
R/o Khammam, Khammam Dist
(AP 20 T 9495)

..... PETITIONERS

AND

1 The Deputy Transport Commissioner & The

Secretary Regional Transport Authority,
Krishna Dist Vijayawada.
2 Secretary Regional Transport Authority,
Khammam, Khammam Dist.
3 Secretary Regional Transport Authority,
Hyderabad (West Zone)
Hyderabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents and their Sub-ordinates in not permitting the petitioners herein to carry Gross Vehicle Weight of 36,600 Kgs., as mentioned in the items No.(i) of the schedule appended to SO.728[E] dt: 18.10.1996 issued by the Government of India, Ministry of Surface Transport (Transport Wing), New Delhi in the petitioners heavy goods articuled Truck Trailer combination vehicle fitted with 10.00 tyres as illegal, arbitrary, and contrary to law, and consequently direct the respondents and their subordinates herein to permit the petitioners herein to carry gross vehicle weight of 36,600 Kgs., in their goods vehicle bearing registration numbers as mentioned in the cause title forthwith.

Counsel for the Petitioners: SMT.M.VINOBHA DEVI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER**:**

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondent-Secretary, Regional Transport Authority, in not permitting the petitioners to carry Gross Vehicle weight of 36,600 kgs in their vehicles as illegal and arbitrary and consequently, to direct the respondents to permit the petitioners to carry the said weight in their goods vehicles.

When the matter is taken up for hearing, it is submitted by the learned counsel appearing for the petitioners and conceded by the learned

Government Pleader for Transport appearing for the respondents that the subject matter involved in this writ petition is squarely covered by the judgment of the Apex Court in **N.Venkateswara Rao Vs. S.T.A.**, wherein the Apex Court has elaborately discussed the matter and dismissed the writ appeals and W.P.No.6211 of 1990 and batch.

Accordingly, following the judgment of the Apex Court, this writ petition is also dismissed for similar reasons. No order as to costs.

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08.04.2005

dr/tvk

To

1 The Deputy Transport Commissioner & The

Secretary Regional Transport Authority,
Krishna Dist Vijayawada.

2 The Secretary Regional Transport Authority,
Khammam, Khammam Dist.

3 The Secretary Regional Transport Authority,
Hyderabad (West Zone)
Hyderabad Dist.

4 2 CCs to Government Pleader for Transport,

High Court Buildings, Hyderabad. (OUT)

5 2 CD copies